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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/748,441

12/29/2003

Bennett Cookson JR.

019404-001200

2382

20350

7590

01/30/2008

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EXAMINER

GISHNOCK, NIKOLAI A

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

01/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/748,441

Applicant(s)

COOKSON ET AL.

Examiner

Nikolai A. Gishnock

Art Unit

3714

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 January 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

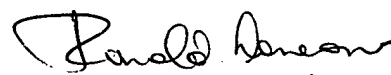
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-41
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


RONALD LANEAU
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant states in remarks filed 1/22/2008, see pages 11-12, that each claim produces a useful, tangible, and concrete result. However, other than method steps of receiving information, creating data structures and comparing information, claims 1 & 29 recite receiving a request from a user computer and sending data to the user computer. This limitation does not require that a user actually views, stores, prints, or otherwise uses the data result. The requirements of 35 USC 101 in terms of tangibility is that the claims produce a physical result or action. It is suggested that the claim recite precisely what further processing takes place at the user computer such that a physical action is implemented or product is produced with the sent data. Further manipulation of the data would not be deemed to meet statutory requirements because a statutory process is for manufacturing a product, and hence, such manipulation must cause a practical application that would distinguish such a statutory computer process from a non-statutory one. See MPEP 2106. Applicant further states, on pages 13-14, that the Huff reference fails to teach "consolidating information from a plurality of records determined to represent the same person into a single person record", and instead teaches merely a special form of record deletion. The Examiner interprets "consolidation" to mean, "to discard the unused or unwanted items of and organize the remaining" (please refer to Definitions from Dictionary.com, based on the Random House Unabridged Dictionary, 2006, <URL:<http://dictionary.reference.com/browse/consolidate>>). The shadow deletion of the person records of Huff is understood to mean discarding an unused item, whereas the reestablishment of links between records is understood to mean organizing the remaining records (see Para. 0156-0169). Thus, Huff anticipates the limitation. The Applicant further states on page 14 that the Office Action of 11/21/2007 did not address Applicant's remarks regarding the teaching of a relationship analysis to infer relationships among person records, and assigning relationship types based on inferred relationships of claims 29 & 39. However, Applicant's remarks were clearly addressed on pages 10 & 11. To recap, the Examiner demonstrates that Huff teaches analyzing pedigrees (see Para. 0159-0169). The pedigrees of Huff are understood to be relationships, such as spouses, children, or surnames (predecessors and ancestors, in general), and the assigning relationship types is causing the shadow deletion of a redundant person record, based on a relationship analysis, which is understood as counting the connections of the names to be replaced (see Para. 0164). The pedigrees are the basis upon whether the records represent the same person, which causes the relationship types to be assigned. Thus, Huff does anticipate the claim limitation, and the Applicant therefore is not entitled to any additional opportunity to rebut this response, as a timely response appears in the final Office Action as demonstrated.